

STATE OF WISCONSIN
Department of Health and Family Services
Division of Children and Family Services

DCFS Memo Series 2006 - 17
September 26, 2006
Re: 2005 Act 293 – Changes
Impacting Inquiries
Concerning Declarations of
Paternal Interest

To: Area Administrators/ Human Services Area Coordinators
Bureau Directors
County Departments of Community Programs Directors
County Departments of Developmental Disabilities
Services Directors
County Departments of Human Services Directors
County Departments of Social Services Directors
Licensing Chiefs/Section Chiefs
Tribal Chairpersons/Human Services Facilitators

From: William R. Fiss *William R. Fiss*
Interim Administrator

Provisions in 2005 Wisconsin Act 293 that modified prior law concerning Declarations of Paternal Interest became effective on July 1, 2006. DCFS INFO MEMO 2006-10 issued on June 13, 2006 contained information concerning these changes. This numbered memo provides policy and procedure for authorized agencies and individuals when making inquiries concerning the Paternal Interest Registry, filing or revoking a Declaration of Paternal Interest, and provides information concerning the required forms for these processes.

Inquiries Concerning Declarations of Paternal Interest

Prior to July 1, 2006, the Division of Children and Family Services (DCFS) responded to telephone inquiries from courts, attorneys, and social workers asking if there was a Declaration of Paternal Interest filed on a child. The inquirer may have been on their way to or even in court. Under Act 293 a **new** provision states: "The Department shall keep confidential and may not open to public inspection or disclose the contents of any declaration, revocation of a declaration, or response to a declaration filed under this section, except as provided under pars. (b) and (c) or by order of the court for good cause shown." Due to this confidentiality requirement, DCFS **will no longer confirm or deny** that a declaration of parental interest is on file by telephone.

Effective July 1, 2006, information in the Paternal Interest Registry may only be disclosed by order of the court or under the following exceptions. When a registration form is received, a copy will be sent to the mother at her last known address. The mother may respond in writing but is not required to do so. Anyone authorized to file various children's action in court may request that the Paternal Interest Registry be searched to determine if there is a registered putative father by submitting *Form CFS-19, Court Inquiry on Declaration of Paternal Interest* to DCFS by mail or fax number at the following address:

Wisconsin Paternal Interest Registry
Department of Health and Family Services
Division of Children and Family Services
P.O. Box 8916
Madison, WI 53708-8916
FAX Number: 608/266-0260

Document Summary

This memo provides information on current policy and procedures for authorized agencies and individuals when making inquiries concerning the Paternal Interest Registry, filing or revoking a Declaration of Paternal Interest, and provides information concerning the required forms for these processes.

Complete the top half of the form with the child's name, gender, birth date, and birthplace; the mother's name, age, and address; and with the requestor's name, the name of the county or agency, address, and fax number. The Division will search its records and either provide a copy of the declaration form to the requesting party or will inform the requestor that no record exists. The Division will respond by mail, or by fax, if requested.

A copy of the form may be requested from the Division at the above address, by calling: (608) 266-2744 or at the following web address: <http://dhfs.wisconsin.gov/forms/DCFS/CFS0019.pdf>. At this time there is no cost for these requests, however, the Department is authorized by statute to charge a reasonable fee and reserves the right to do so in the future.

Filing or Revoking a Declaration of Paternal Interest

If an individual believes that he is the father or may become the father of a child, he may register with the Wisconsin Paternal Interest Registry by filing a *Form CFS-19A, Declaration of Paternal Interest*. The form requires the name of the putative father, the name and last-known address of the mother, the month and year of the birth or expected birth of the child. The form must be signed and verified under oath or affirmation. If under age 18, a parent or legal guardian must also sign the form.

Declarations of Paternal Interest filed after July 1, 2006 must be filed before the birth of the child, within 14 days after the birth of the child, or if the putative father receives notice under s. 48.42(1g)(b) that the mother has identified him as the father, within 21 days after the date that the notice was mailed. Declarations filed prior to July 1, 2006 could be filed at any time before the father's parental rights were terminated. Inquiries for all Declarations of Paternal Interest will be processed in the same manner.

Declarations of Paternal Interest may be revoked at any time by filing a *Form CFS-19B, Revocation of Declaration of Paternal Interest*, which requires an individual to sign and verify under oath or affirmation that to the best of his knowledge and belief he is not the father of the child, or that another person has been legally declared the father of the child. If under age 18 years of age, a parent or legal guardian must also sign the form.

By properly filing the Paternal Interest Registry within the deadlines described above, a putative father will receive notice if the identified child is involved in an adoption or termination of parental rights proceeding. Action must then be taken to establish and protect paternal rights. Failure to file with the Paternal Interest Registry may result in the putative father not receiving notification if the child is adopted or parental rights to the child are terminated.

A copy of the forms may be requested from the Division at the above address, by calling: (608) 266-2744 or at the following web address: <http://dhfs.wisconsin.gov/forms/DCFS/CFS0019A.pdf> and <http://dhfs.wisconsin.gov/forms/DCFS/CFS0019B.pdf>. There is no cost for filing or revoking a Declaration of Paternal Interest.

The Department of Workforce Development's Bureau of Child Support or a county child support agency may not access information within the Paternal Interest Registry.

Notification Requirements for the Paternal Interest Registry

The brochure, *Wisconsin's Paternal Interest Registry*, was developed in response to a requirement in Act 293 for the Department to publicize information about declarations of paternal interest in a manner calculated to provide maximum notice to persons who might claim to be the father of a nonmarital child. The brochure may be obtained from the Department's website or by contacting the Department at the above referenced address. Information about the Wisconsin Paternal Interest Registry is also available on the Department's website: <http://dhfs.wisconsin.gov/>

Penalties

A person making a false statement in a declaration, revocation, or response to a declaration that the person believes to be untrue may be prosecuted for false swearing. Also, any person who intentionally

obtains, uses, or discloses confidential information from the Paternal Interest Registry may be fined not more than \$1,000 or imprisoned for not more than 90 days or both.

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WEB SITES: For Memo: http://dhfs.wisconsin.gov/dcfs_info/

For Forms: <http://dhfs.wisconsin.gov/forms/DCFS/CFS0019.pdf>
<http://dhfs.wisconsin.gov/forms/DCFS/CFS0019A.pdf>
<http://dhfs.wisconsin.gov/forms/DCFS/CFS0019B.pdf>

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